

1 IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
2 IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA

3 - - - - - X
4 IN THE MATTER OF: :
5 EXECUTIVE ORDER NUMBER 00-256; :
6 INQUIRY RELATED TO THE CONDUCT :
7 OF THE HONORABLE ROBERT BONANNO, :
A CIRCUIT JUDGE :
- - - - - X

8
9
10 GRAND JURY TESTIMONY OF
11 JOAN K. HELMS and ROBERT H. BONANNO
12
13

14 DATE: November 15, 2000
15
16 TIME: Beginning at 9:00 a.m.
Concluding at 11:20 a.m.
17
18 PLACE: Grand Jury Room - Third Floor
Hillsborough County Courthouse
419 Pierce Street
Tampa, Florida 33602
19
20
21 COURT REPORTER: LYNDA J. MILLS
22 Registered Merit Reporter
Notary Public
23 State of Florida at Large
24
25

1 APPEARANCES:

2 On behalf of State:

3 HON. JERRY HILL, STATE ATTORNEY
 4 HON. ALFRED C. THULLBERY, JR.
 5 Office of the State Attorney
 6 Tenth Judicial Circuit
 7 255 North Broadway
 8 Bartow, Florida 33831-9000
 9 (863) 534-4800

12 I N D E X

13 WITNESSES: EXAMINATION BY AT PAGE14 For the State:

15	JOAN K. HELMS	Mr. Hill	3
16		Grand Jurors	28
17		Mr. Hill	37
18		Grand Jurors	38
19		Mr. Hill	41
20	ROBERT H. BONANNO	Mr. Hill	43
21		Grand Jurors	93
22		Mr. Hill	99
23		Grand Jurors	102
24		Mr. Hill	110
25		Grand Jurors	111
		Mr. Hill	113
		Grand Jurors	114
		Mr. Hill	115
		Grand Jurors	116
		Mr. Hill	117
		Grand Jurors	118
		Mr. Hill	120
	Certificate of Reporter		123

P R O C E E D I N G S

Whereupon,

JOAN K. HELMS,

was called as a witness, and being duly sworn by Alfred C. Thullbery, Jr., Assistant State Attorney, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HILL:

Q Good morning again.

A Good morning. Should I like face you or face them?

Q No, you need to face these folks --

A Okay.

Q -- because it's important that certainly the court reporter, and if the folks in the corners can hear you --

A Okay.

Q -- everybody can, so speak up.

A Okay. I'm going to back up so I can like --

Q That would be great. State your full name for the Grand Jury, please.

A Joan Kathleen Helms.

Q And you are employed with the Clerk's office?

1 A I was.

2 Q You're not now?

3 A No.

4 Q Where are you employed now?

5 A The Court Administrator's office.

6 Q Okay. How long have you been with the
7 Court Administrator's office?

8 A A little less than a year.

9 Q How long were you with the Clerk's
10 office?

11 A Sixteen years and a month.

12 Q And that change occurred in --

13 A December.

14 Q -- what day? December of last year?

15 A Uh-huh, yes.

16 Q What are your responsibilities with the
17 Court Administrator's office?

18 A I work in family intake. I more or less
19 work with the family law judges with the pro se
20 litigants, the people that are representing themselves
21 in family law matters.

22 Q What prompted the change from the Clerk's
23 office to the Administrator's office?

24 A That's a long story.

25 Q Can you -- do you have a short version?

1 A Yeah. I was more or less being
2 discriminated against for many years in the Clerk's
3 office because of my race.

4 Q Okay. What was the last job you held?
5 Well, what jobs did you hold, various positions did you
6 hold with the Clerk's office?

7 A I was mainly a court clerk throughout the
8 whole entire time.

9 Q And what does that mean?

10 A I would go to court, jury trials and I
11 would swear in witnesses, take in exhibits, read the
12 jury verdict. And that was -- that was my main job.

13 Q When you weren't in court, what would you
14 do with the Clerk's office?

15 A I would, gosh, I would work the front
16 counter, I would more or less just assist the public
17 coming in.

18 Q I had an interesting experience this
19 morning and I need for you to help me out here. Chip
20 and I are coming over and we're listening to public
21 radio to the news trying to figure out how we can pick
22 the President, and the news comes on and it's a fellow
23 by the name of Ralph Fernandez. Does that name ring a
24 bell?

25 A I've heard of him.

1 Q Have you ever met him?

2 A No. I don't -- I may have, but I don't
3 really remember meeting him --

4 Q Well, you know, --

5 A -- personally.

6 Q You know, in fact, he's representing
7 Judge Bonanno --

8 A Uh-huh.

9 Q -- in this proceeding, don't you?

10 A Uh-huh.

11 Q I need you to say yes or no for the
12 record.

13 A Yes.

14 Q And public radio quotes Ralph Fernandez
15 as saying Judge Bonanno is going to voluntarily appear
16 before the Grand Jury, and it is expected that he will
17 be questioned regarding case assignment.

18 Can you tell the Grand Jury how Ralph
19 Fernandez would have known about that?

20 A No.

21 Q Okay. You and I and Chip and Scott
22 Peterka had a conversation what, about two months ago
23 maybe?

24 A Uh-huh, yes.

25 Q Was that not a topic of some of the

1 things we were talking about?

2 A Yes.

3 Q Did you share that conversation with
4 Judge Bonanno?

5 A No. I haven't spoken to him in probably
6 a couple of months.

7 Q You haven't spoken to him at all?

8 A No.

9 Q Since that day we talked to you?

10 A Maybe even before.

11 Q Okay. So what you're saying is you
12 didn't share that information --

13 A No.

14 Q -- with Judge Bonanno?

15 A No.

16 Q Okay. Again -- excuse me. Did you have
17 an opportunity to share that conversation we had with
18 anyone?

19 A With anyone meaning my mother, my father,
20 my son?

21 Q Well, did you share it with them?

22 A Yes.

23 Q Anyone else?

24 A My girl friend.

25 Q And who is that?

1 A Fern Lynn.

2 Q Does she work here in the courthouse?

3 A Yes.

4 Q Where does she work?

5 A She works in Circuit Civil in domestic
6 violence.

7 Q Okay. Does she have any contact with
8 Judge Bonanno?

9 A No, she doesn't.

10 Q Or with Ralph Fernandez as far as you
11 know?

12 A No. No. As far as I know, no.

13 Q Anyone else here at the courthouse that
14 you shared that information with?

15 A No.

16 COURT REPORTER: Could I have her name?
17 I couldn't hear you.

18 THE WITNESS: Fern Lynn.

19 COURT REPORTER: Thank you.

20 THE WITNESS: Uh-huh.

21 BY MR. HILL (resuming):

22 Q You're doing fine. I've got to get you
23 to keep that voice up, okay?

24 A I'm used to being on that side and not
25 this side. But go ahead.

1 Q If you weren't in court you said that you
2 might work the front desk?

3 A I was in the office, yes.

4 Q If I as an attorney came in and said,
5 "Okay, here's my civil suit, I want to file it and
6 here's my filing fee," might you take that from me?

7 A Oh, yes.

8 Q And how many other people would have
9 taken that from me potentially?

10 A I don't understand how many people.

11 Q How many people, you know, are qualified
12 or authorized to accept --

13 A All the court clerks, 1's and 2's, in the
14 office.

15 Q Got you. That could be roughly how many
16 people?

17 A Maybe, I don't know, ten.

18 Q Okay.

19 A Twelve.

20 Q That's all I want is a ball park figure.

21 A Okay.

22 Q If I said, "Gosh, thank you for doing
23 that. By the way, which division or which judge have I
24 got?" can you tell me before I leave?

25 A Yes.

1 Q Would you be able to?

2 A Yes.

3 Q What would you do?

4 A I would take your case. I would just
5 make sure the signatures are there, it's notarized. I
6 get a file. I put the numbers on the file. Then I put
7 the numbers into the computer. It would be like 00 is
8 2000, and then 1500 or whatever your case number, and
9 it just randomly assigns a division.

10 Q Does it give you a printout?

11 A No.

12 Q Does it spit out any piece of paper?

13 A No. No. It's all in the computer.

14 Q Okay. What would keep the next person
15 from coming along and getting that same division if
16 they filed a civil suit?

17 A Say again.

18 Q What would keep the next person right
19 behind me --

20 A Right.

21 Q -- that also wants to file a civil suit
22 with you from getting that same division or same judge?

23 A Oh, we don't know. I mean, you could get
24 a couple of B's in a row, you could get a C, could get
25 a D, an A.

1 Q Is this random process --

2 A Exactly.

3 Q -- in any way meant to equitably
4 distribute cases that come in?

5 A Right, that's exactly what it's doing, so
6 everyone gets their fair share of the cases in civil
7 and family.

8 Q Okay. Theoretically if I brought that
9 same paper in and said, "Joanie, I need Judge Bonanno
10 on this case --"

11 A Huh-uh.

12 Q Just theoretically follow me.

13 A I know, but I don't know how you would do
14 it.

15 Q Well, once that computer has done its
16 work --

17 A Uh-huh.

18 Q -- what evidence is there of which
19 division it goes to? Is it something you write down?

20 A It's on the pleading. The case number's
21 on the pleading and the division's on the pleading.

22 Q Do you stamp it?

23 A Yeah.

24 Q What has the stamp got to do with the
25 computer? Is there any tie-in, any relationship, or do

1 you have to --

2 A The number and the division.

3 Q Do you have to pick a stamp that says
4 this is what the computer said, bam?

5 A Do you have to pick a stamp? I'm totally
6 not following you.

7 Q Well, it's very simple. Either it
8 doesn't --

9 A Oh, it may be to you but --

10 Q If the computer --

11 A I have a number --

12 Q Bear with me. If the computer spits up
13 the name Judge Bonanno --

14 A It doesn't.

15 Q What does it spit up?

16 A A division.

17 Q Well, aren't judges assigned to
18 divisions?

19 A Yes.

20 Q Then it's just essentially giving me
21 Judge Bonanno, or Judge Ficarrotta, or whatever the
22 judge is in that division, right?

23 A Yes.

24 Q I mean, if that's not right, tell me. It
25 doesn't give me a judge's name, it gives me a division

1 number?

2 A Right, to that number. You just don't --

3 Q How does the -- how does the number --

4 A Right.

5 Q -- then get transferred to the suit that

6 I just gave you physically?

7 A I'm not following you.

8 Q Well, the computer just gave you a number

9 and a division.

10 A I gave the computer a number.

11 Q Okay. And it gave you a division?

12 A It gave me a division.

13 Q Aren't you going to put that number and

14 division --

15 A The number's already -- I stamp my cases

16 and then I give a division.

17 Q All right. Do you write in the division?

18 A No, just stamp in the division.

19 Q Okay. With the same stamp that you had

20 the number with?

21 A No, there's a numbering stamp and there's
22 a lettering stamp.

23 Q Okay. Okay.

24 A Okay.

25 Q Is there a letter stamp for each

1 division?

2 A Is there a letter stamp for each
3 division? Yeah.

4 Q Okay.

5 A A, B, C, D, E, F, whatever.

6 Q All right. You've just put the numbers
7 on my pleadings.

8 A Right.

9 Q Theoretically what is to keep you from
10 looking around and reaching over and picking up
11 Division G and going (indicating)?

12 A Because it wouldn't match the computer.

13 Q The computer keeps a permanent record?

14 A Right, I would imagine. I'm not -- like
15 I told you before when you talked to me a couple of
16 months ago, Gabby Mayor in the Clerk's office, she
17 knows all about this stuff. But that's -- that's what
18 I would do. I mean, I don't --

19 Q Okay. You're just saying that it's
20 foolproof that the computer is going to have a --

21 A I think so.

22 Q -- a number and a division that's kept in
23 it forever?

24 A Right.

25 Q And that's just simply reflected on the

1 front of the pleading?

2 A Uh-huh.

3 Q So you do not believe that anyone could
4 manipulate that and pick a certain judge?

5 A I don't think so.

6 Q And you couldn't -- you couldn't assign a
7 division through the computer for a particular case
8 number?

9 A No.

10 Q No, or you're not sure?

11 A I don't think so.

12 Q How long have you known Judge Bonanno?

13 A About six, seven years.

14 Q And the last time you talked to him was?

15 A A couple of months ago.

16 Q Meaning three months ago?

17 A Uh-huh, yes.

18 Q Okay. How would you characterize your
19 relationship with him the last three years that you've
20 known him?

21 A Close.

22 Q Can you describe that, what that means?
23 Were you intimate?

24 A Yes.

25 Q You met him as he's a judge, you're a